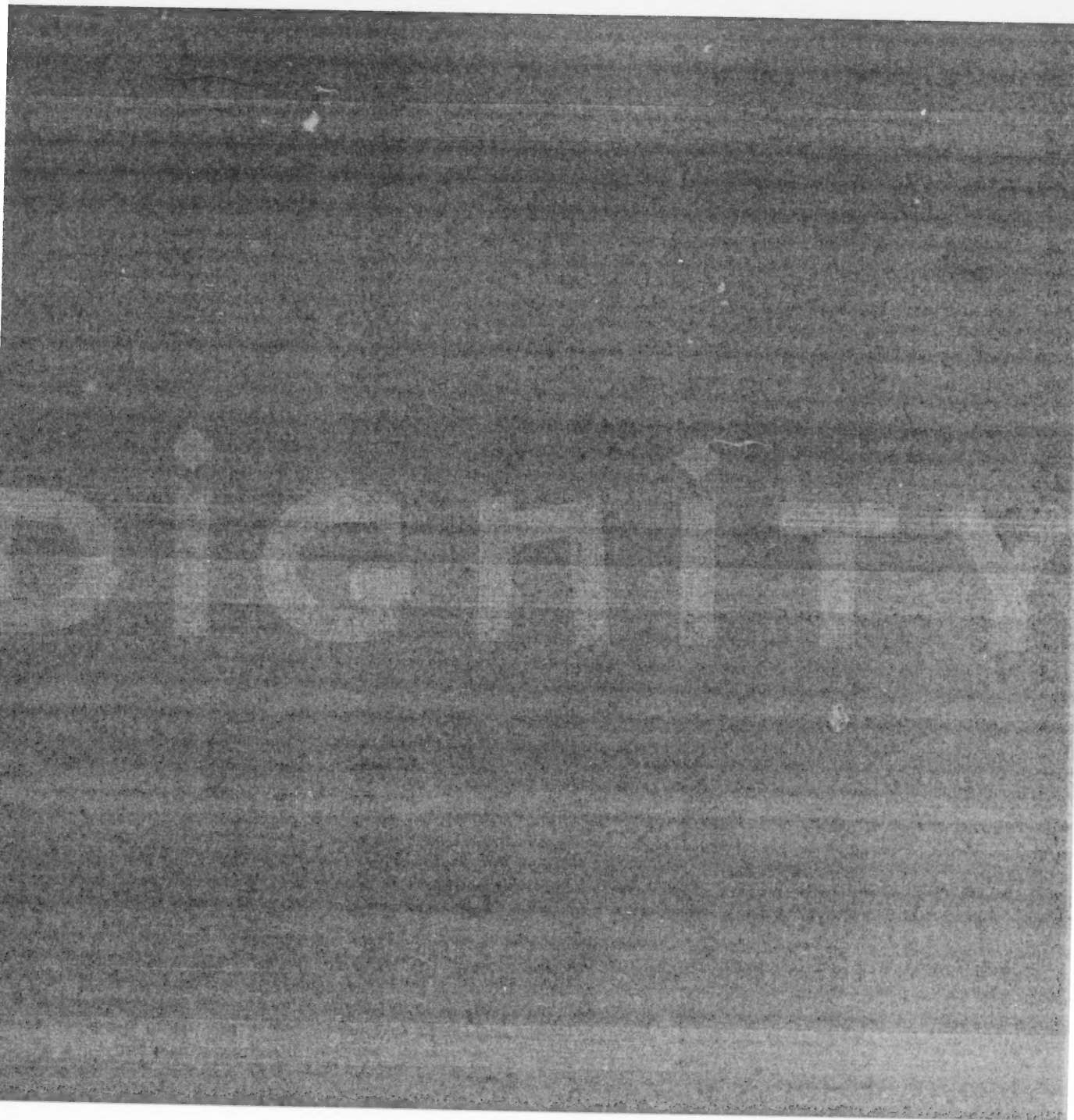




## SASKATCHEWAN HUMAN RIGHTS COMMISSION

2003 2004 ANNUAL REPORT



## TABLE OF CONTENTS

LETTER OF TRANSMITTAL	2
CHIEF COMMISSIONER'S MESSAGE	3
CHARTING PROGRESS, MAPPING CHANGE	6
RESOLVING COMPLAINTS	8
DECISIONS	12
SETTLEMENTS	15
PREVENTING DISCRIMINATION	20
<i>EDUCATIONAL OUTREACH</i>	22
EQUITY PROGRAMS AND EXEMPTIONS	23
<i>LIST OF EQUITY SPONSORS</i>	30
COMMISSION STAFF	31
COMMISSIONERS	32
TABLES	34

June 30, 2004

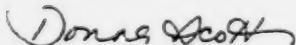
The Honourable Frank Quennell, Q.C.  
Minister of Justice  
Legislative Building  
Regina, Saskatchewan  
S4S 0B3

Dear Minister Quennell,

In accordance with section 49 of *The Saskatchewan Human Rights Code*, it is my privilege to submit to you the 2003-2004 Annual Report of the Saskatchewan Human Rights Commission.

This report reflects the activities of the Commission from April 1, 2003 to March 31, 2004.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donna Scott".

Donna Scott, Q.C.  
Chief Commissioner

*The Saskatchewan Human Rights Code* affirms the equal dignity and rights of all persons. It asks the Human Rights Commission to redress violations, promote awareness of human rights, and ultimately eliminate discrimination. With such a broad mandate, how do we assess our effectiveness?

Community feedback, social trends and statistical data provide us with some answers. At the day-to-day level, these indicators help us adjust our priorities and work plans. Over time, they give us a sense of whether the Commission is achieving the Code's fundamental objective of social change.

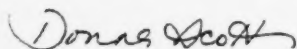
Looking back over the past five years, we see the Commission has experienced a steady increase in requests for public education and investigation or mediation services. This trend shows a greater need for prevention and some success at raising awareness of available remedies. At the same time, the rise in reports of discrimination suggests confidence in our work and public recognition of the Commission's legitimacy as an agency that can assist people in protecting and promoting human rights.

With respect to our complaint services, we use statistics to monitor and improve timelines. We also look at subjective factors, such as whether parties are satisfied with how their complaint is resolved. Doing so has led the Commission to allocate more resources to mediation and settlement processes.

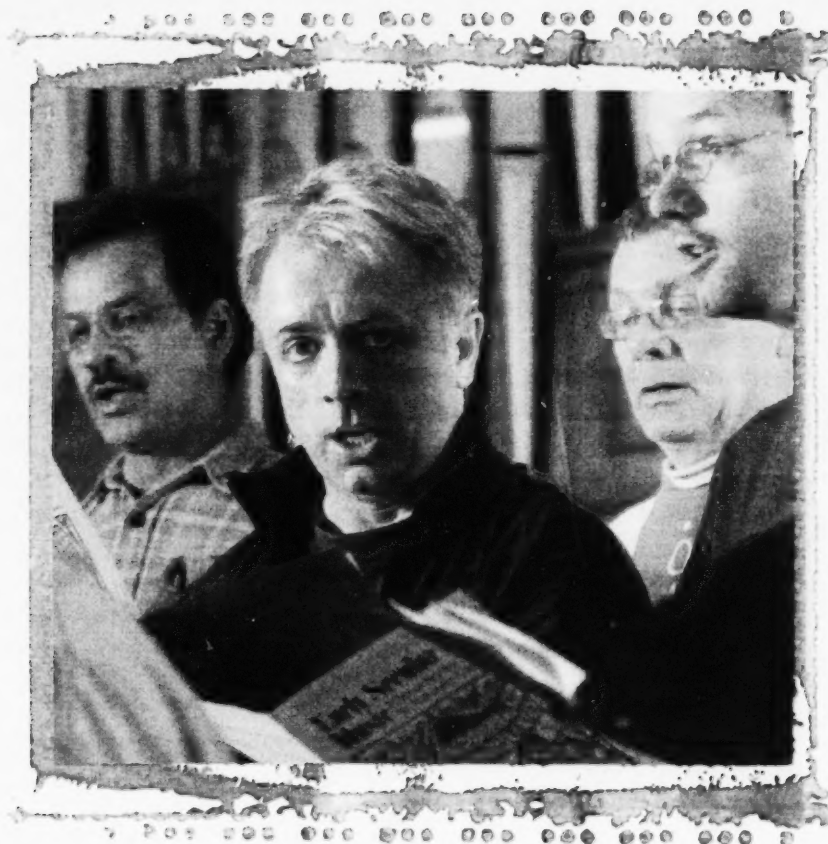
Statistics and community input can also help us evaluate how far we have come in achieving the Code's fundamental goals. For example, 20 years of employment statistics show us that significant progress has been made for visible minorities and Aboriginal people in workplaces committed to improving employment opportunities. Individuals with disabilities, however, have benefited very little from these programs. Women continue to encounter a glass ceiling and to struggle for pay equity. A community review of our equity programs reveals that problems still exist for Aboriginal teachers and students within the educational system.

The Commission also looks to society at large to determine whether the Commission is meeting its objectives. The UN Special Rapporteur on Racism recently reported that, despite being a country proud of its ethnic, racial, cultural and religious diversity, Canada is not free of racial discrimination.

Yet, if we take the long view when assessing our role as an agent of change, we can see improvement. Over the past decade, for example, the rights of gay, lesbian, bisexual and transgendered individuals have become protected, while the law on the duty to accommodate differences has evolved dramatically. Saskatchewan has a proud history as a protector of human rights. The Saskatchewan Human Rights Commission will continue to work with others to build a provincial culture of equality and mutual respect.



Donna Scott, Q.C.  
Chief Commissioner



1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. The second step is to gather relevant information and data. This can be done through research, interviews, or other methods of data collection.

3. The third step is to analyze the information and data. This involves identifying patterns, trends, and relationships that can help to answer the question or solve the problem.

4. The fourth step is to develop a solution or answer. This involves using the information and data to create a plan or strategy that addresses the problem or question.

5. The fifth step is to implement the solution or answer. This involves putting the plan or strategy into action and monitoring the results to ensure that the problem or question is solved.

The Saskatchewan Human Rights Commission welcomed two new commissioners in October 2003. Mike Bacon, a wheelchair athlete and community advocate living in Saskatoon, brings to the Commission his knowledge of persons living with disabilities. Viviane Janvier, a manager at the La Loche Community Development Corporation, is an advocate for northern community development and brings a much-needed northern perspective to the work of the Commission. At the time of their appointment, Commissioner John Hill was made Deputy Chief Commissioner.

The Commission made fundamental changes to its equity programs this year, following a consultation and review process. The new program opens up the approval process and Commission services to a broad spectrum of initiatives supporting diversity and inclusion. It supports expansion, flexibility and innovation by equity sponsors, and encourages work-education and other partnerships.

The central implementation documents of the new program are the Commission's new *Policy on Equity Programs* and a standard-form *Equity Partnership Agreement*. In the past, development and approval of a comprehensive equity plan could take up to one year. In contrast, equity sponsors may now obtain Commission approval simply by signing a partnership agreement that expresses certain commitments, and by providing the Commission with a limited amount of supporting documentation.

In October 2003, the Commission launched an on-line equity sub-site as a first step toward filling the need for information and resources. This information centre provides quick links to resources, and to progress reports of Saskatchewan's equity employers and educational institutions.

Partnering with the Aboriginal community has continued to be an important part of the Commission's work. For several years the Commission has provided talking circles as a culturally appropriate manner of resolving certain disputes. This year, Commission staff coordinated a talking circle led by a First Nations elder and a Métis elder to resolve a complaint involving First Nations and Métis parties.

The Commission continued to develop its partnership project with the Aboriginal Friendship Centres of Saskatchewan (AFCS). Ultimately, this project will deliver on-site human rights awareness training to AFCS board members, staff and clientele. Technical training on complaint processing, mediation and referrals will be provided to designated staff of each centre.



In September 2003, Deputy Commissioner John Hill made a presentation to an audience of more than 200 at the annual lunch and learn of the Interprovincial Association on Native Employment (IANE) on the topic of *Workplace Reality: Rights, Respect and Representation*. In addition, Commission staff gave presentations to the Prince Albert and Saskatoon Friendship Centres, Meadow Lake Tribal Council, Saskatoon Tribal Council, the Aboriginal Government Employees' Network and the First Nations University of Canada.

Two decisions in 2003-2004 were especially noteworthy. The *Kivela* case involved the impact of the duty to accommodate on union seniority. A human rights tribunal held that the seniority provisions in a collective agreement discriminated against the complainant on the basis of disability, by effectively making it impossible for him ever to accrue enough seniority to obtain a permanent position. The *Adamson* case, decided by the Court of Queen's Bench, held that the Commission did not have jurisdiction to take a complaint against judicial officials because that would interfere with their judicial independence and immunity. Both cases are summarized in the Decisions section of this report.

In September 2003, Chief Commissioner Donna Scott discussed work of the Commission with Doudou Diène, the United Nations Special Rapporteur on Racism, in one of only five stops during his visit to Canada. In his Mission to Canada report, Mr. Diène noted that the country has a legal strategy in place to combat racism; however, it lacks an intellectual strategy to combat the legacy of racial discrimination left behind by European colonization.

The Saskatchewan Human Rights Commission made a presentation to the Commission on First Nations and Métis Peoples and Justice Reform in September 2003. The presentation noted the Human Rights Commission's legislated mandate to address racism, and outlined the Commission's anti-racism activities in the areas of public education, equity programs, talking circles, and the investigation and mediation of complaints.

**In 2003-2004, the Commission received 3,926 inquiries and opened 242 complaint files.**

Saskatchewan residents who believe they have experienced discrimination may outline their concerns to the Commission by calling, writing to or meeting with an intake consultant. Their complaint will then be assessed to see if it falls within the Commission's jurisdiction and whether there are reasonable grounds to believe *The Saskatchewan Human Rights Code* has been violated. If so, the complainant signs a complaint form and the respondent is advised of the allegation. Complaints must be made within two years of the alleged discrimination.

The Commission attempts to resolve complaints through voluntary mediation. Should mediation be unsuccessful or unappealing to the parties, an investigator will conduct an impartial investigation. This involves speaking with witnesses and gathering documents to determine whether the complaint can be substantiated. At the conclusion of an investigation, a report is filed with the Chief Commissioner who will take one of several courses of action. She may direct a complaint to mediation, investigation or settlement efforts; defer the complaint pending the outcome of another proceeding, such as a union grievance; dismiss the complaint; or direct the complaint to the Saskatchewan Human Rights Tribunal for hearing and decision.

The Tribunal is separate and independent from the Commission. One member of the Tribunal will be appointed to hear evidence and legal argument and decide on the complaint. Where the Tribunal finds discrimination has occurred, it may order compensation for expenses, lost wages, and injury to feeling, dignity or self-respect. It may also order actions to prevent future discrimination, such as educational measures or the development of anti-discrimination policies.

Where the Commission dismisses a complaint, the complainant may ask the Tribunal to hold an inquiry into the matter. Complainants, rather than the Commission, are responsible for presenting evidence and arguing such cases.

For the fifth consecutive year, discrimination based on disability and the duty of reasonable accommodation accounted for the largest number of allegations – 41.1% of the total, up from 37.9% in 2002-2003. These cases are complex, and account for an increasing proportion of the Commission's workload.

At 23.4%, allegations of gender discrimination again represented the second largest group: 10.5% related to sexual harassment; 9.4% to pregnancy discrimination (up from 6.7% last year), and 3.5% to other forms of gender discrimination. Pregnancy discrimination is not only prevalent but on the rise, despite the fact that it has been illegal since the 1970s.

### Grounds of discrimination, 2003-2004



A	mental or physical disability	41.1%
B	sex	23.4%
C	ancestry	18.4%
D	age	5.2%
E	religion	1.0%
F	marital status	1.7%
G	family status	3.8%
H	sexual orientation	3.1%
I	receipt of public assistance	0%
J	other	2.1%

Allegations of ancestry discrimination, at 18.4%, continued to constitute the third largest group: 5.9% of all allegations related to Aboriginal ancestry, while another 12.5% related to other race or perceived race, colour, nationality or place of origin. These figures underscore the discrimination that visible minorities and Aboriginal people continue to experience in employment, housing and public services. Even so, there is good reason to believe ancestry discrimination is greatly under-reported. In 2003, the Aboriginal Friendship Centres of Saskatchewan reported that 89% of its clients saw a need to increase awareness and knowledge of human rights among Aboriginal people throughout the province.

Historically, employment discrimination has accounted for roughly 60% of all complaints to the Human Rights Commission. Recently, this proportion has become even larger. Discrimination in employment was the subject of 88.0% of complaints received this year, up from 81.2% last year and 60.4% the year before.

The number of complaint files opened dropped to 242 from 323 last year, and the number of files closed dropped to 240 from 327. This overall decline can be linked to limited resources, which were stretched thinly in all areas of the Commission's work. However, the Commission's commitment to mediation is steadily yielding results. This year, 28.3% of all complaints were resolved through settlement agreements, an increase from 23.2% and 21.9% in the previous two years.

Mediation is a flexible strategy, largely controlled by the parties. It provides more ways of remedying the damage caused by discrimination, and allows both the complainant and respondent to be heard. Mediation can also be faster, less costly and less adversarial than investigation and adjudication. The Commission encourages parties to resolve complaints through mediation and settlement at all stages of the complaint process.

- Stabilize staff levels in the Mediation & Investigation Unit.
- Increase the number of complaints resolved through mediation.
- Provide ongoing training to staff in the Mediation & Investigation Unit.

University of California, Berkeley, California 94720-1980  
and the Center for the Study of the History of the Earth  
and Planetary Sciences, University of California, Berkeley, California 94720-1980



Decisions by the Saskatchewan Human Rights Tribunal are posted on its Web site at [www.saskhrt.ca](http://www.saskhrt.ca).

### **Disability**

*Nancy Graham v. Country Leathers Manufacturing Ltd. and Phil Marzo* April 4, 2003

Nancy Graham alleged that Country Leathers Manufacturing Ltd. and Phil Marzo terminated her as a leather cutter after tendonitis in her shoulder negatively affected her ability to do her job. The board of inquiry found the employer discriminated against Ms. Graham because of disability as it failed to evaluate whether or not her disability could be accommodated. Ms. Graham was awarded \$2,911 as compensation for lost wages, including \$548 for pre-judgment interest. Ms. Graham was also awarded compensation of \$3,500 for injury to feelings and self-respect.

### **Ancestry**

*Gerald Wharton v. Daniel Charet and Accent Drywall Ltd.* May 27, 2003

Gerald Wharton alleged he was discriminated against because of ancestry, citing racially derogatory remarks made by Daniel Charet, his supervisor at Accent Drywall Ltd. The Tribunal found that Mr. Wharton had experienced a number of racist comments and epithets which amounted to ongoing verbal harassment, and awarded him \$2,500 for injury to his feelings, dignity and self-respect.

### **Sexual Harassment**

*Joni Lynn Shier v. Ray Edworthy and Shirwili Enterprises Ltd.* August 25, 2003

The Tribunal ruled that Joni Lynn Shier was discriminated against because of sex by Ray Edworthy while she was working as a cashier and assistant manager at A Buck or Two store in Prince Albert. Ms. Shier quit her job saying she "didn't feel comfortable with her employment and felt cheap," after Edworthy sexually harassed her with unwanted physical contact and verbal remarks. The Tribunal ordered the respondents to pay Shier \$2,000 for injury to feelings, as well as \$2,071 for loss of wages.

### **Disability**

*Gary Wayne Kivela v. Canadian Union of Public Employees (CUPE) and the City of Regina* October 10, 2003

The Tribunal ruled in favour of Gary Kivela who complained that CUPE and the City of Regina discriminated

<sup>1</sup> In 2003-2004, one hearing decision was made by a board of inquiry appointed before the Tribunal was formed in November 2001.

against him from July 1982 until November 1998 on the basis of his disability. Mr. Kivela has cerebral palsy which prevents him from doing any work other than truck driving. Because he could not work extended hours that required physical exertion, he fell behind in the seniority list. This meant that when he became unable to work in 1998 he was still a casual employee without a disability plan. Had he been a permanent employee, he would have accessed disability benefits and would have had the right to return to a permanent position. The seniority provisions of his collective agreement facilitated promotions to permanent positions for those who were flexible and could work at any job. The unintended effect on Mr. Kivela was that he could not gain permanent status without special accommodation.

The Tribunal ordered that Mr. Kivela be reinstated and appointed to the first vacant permanent position as truck driver. Until that vacancy arose, he was to receive compensation for monthly wage loss, plus interest and income tax gross-up from January 1, 1999. The union was held equally responsible with the employer for the wage loss because the seniority system was part of the collective agreement. The Tribunal awarded Mr. Kivela \$10,000, the maximum allowable under the Code, for injured feelings and loss of dignity. The City was made responsible for 60 per cent of that award, and CUPE made responsible for 40 per cent. The City of Regina and CUPE have appealed this decision to the Court of Queen's Bench.

### **Pregnancy**

*So Dzoo Hwe v. The Government of Saskatchewan, Department of Social Services August 14, 2003*

The Tribunal dismissed the complaint of So Dzoo Hwe against Saskatchewan Social Services that she was discriminated against on the basis of her sex (pregnancy). Ms. So's Saskatchewan Employment Supplement (SES) was discontinued when she became pregnant and started collecting employment insurance (EI) benefits. Because the program does not consider maternity benefits to be "earned income," she was ineligible for the supplemental income. The Tribunal found no quantitative or qualitative differential treatment of low-income mothers in receipt of EI maternity benefits, as compared with other parents in receipt of SES benefits, and dismissed her complaint.

### **Disability**

*Nancy Graham v. Country Leathers Manufacturing Ltd. and Phil Marzo October 3, 2003*

The Court of Queen's Bench upheld the board of inquiry decision summarized above. The court held the board correctly found that the employer had not fulfilled its duty to accommodate or proven that accommodating Ms. Graham would be an undue hardship. It therefore confirmed the award for lost wages and for

pre-judgment interest. However, the court reduced the award of \$3,500 for injury to feelings and self-respect to \$750. The court noted it was unclear what standard had been used by the board and held that, since there had been no direct or indirect assault on the complainant's self-worth, the award was disproportionate to the error in the employer's conduct. The Commission has appealed this decision to the Court of Appeal.

### **Jurisdiction**

*The Honourable Chief Judge Gerald T.G. Seniuk and His Worship Donald Earl Webster, Supervising Justice of the Peace v. Barbara Adamson and The Saskatchewan Human Rights Commission* November 2003

This case addressed the issue of whether the Chief Judge of the Provincial Court and his designate, the Supervising Justice of the Peace, are subject to the provisions of *The Saskatchewan Human Rights Code*. The officials applied for an order prohibiting the Saskatchewan Human Rights Commission from any further proceedings with respect to Barbara Adamson's claim that they had failed to accommodate her disability. Barbara Adamson, a Justice of the Peace, complained to the Commission when she was taken off the duty roster after being unable to complete her training because of a cervical spine injury. The Chief Judge and Supervising Justice of the Peace argued that applying investigatory, adjudicatory and remedial provisions of the *Code* to their decision respecting Ms. Adamson interfered with their judicial independence and judicial immunity. They submitted that the proper forum for adjudicating the complaint was the Judicial Council under the *Provincial Court Act*. The Court of Queen's Bench accepted the applicants' submission and issued an order prohibiting the Commission from proceeding with Ms. Adamson's complaint.



Through mediation or negotiation, settlements were reached in 68 complaints brought to the Commission this year. The following are examples of the complaints settled in 2003-2004.

***Age discrimination against 50-year-old***

A 50-year-old construction foreman was fired from his job, over the telephone, after his employer told him he was "too old" and the company was "looking for someone younger to mold into the position." Consequently, the complainant became depressed and afraid to look for work, thinking he was too old to be hired again. In settling the complaint, the respondent agreed to pay the complainant \$3,500 as compensation for injury to feelings and loss of self-respect.

***Employer and union failed to accommodate religious observances***

An employee of a wood and paper mill was accommodated in her religious observances until a new mill opened, where she understood she would not be accommodated. Consequently, she elected not to transfer to the new mill and lost the right to take her seniority with her. When the old mill closed the following year, she transferred to the new mill, was given a new seniority date, and was placed on a week-day shift to accommodate her religious observances, rather than the more flexible 24-hour, 7-days-a-week (24/7) schedule. Realizing they would have accommodated her earlier request and that she needn't have lost her seniority, the complainant alleged that the misunderstanding was the fault of the company and her union. The complainant also objected to what she believed was only partial accommodation of her religious observances by the company, and claimed that full accommodation on a 24/7 schedule would not have created undue hardship. In settlement, the respondent agreed to backdate the complainant's seniority by three months, accommodate her religious observances, and pay her severance pay of \$10,193 from the old mill and \$22,000 in compensation.

***Complaint results in workplace harassment policy***

A lesbian working at a hotel was sexually harassed by her supervisor, who commented on her body and the kind of clothing she should wear, and touched her inappropriately. He allegedly called her "faggot girl"

to other employees, and insisted she liked his attention and should leave her partner for him. In settling, the respondent agreed to pay the complainant \$4,420 compensation, provide the complainant with a letter of reference based on her merits, and post a workplace harassment policy on the premises.

***Employer takes educational steps because of sexual harassment complaint***

A female server at a tavern was sexually harassed by a male employee. When the complainant took her concerns to management, the offender was told to stop his actions immediately. However, his behaviour continued and the situation deteriorated to the point where the complainant planned to lay criminal charges. Before that could happen, she was terminated from her job. In settling the complaint, the tavern owners agreed to pay the complainant \$5,000 as compensation for injury to her feelings, and \$2,500 as compensation for mental anguish. The respondents also agreed to attend a workshop on sexual harassment in the workplace and later requested a video on the subject to share with their employees.

***Employer fails to protect employee from sexual harassment***

A supervisor was sexually harassed by a co-worker who had an aggressive romantic obsession with her. His actions included stalking her and talking about her personal life, and escalated into aggressive physical behaviour. Despite two warning letters from her, the harasser did not stop and although the complainant sought advice from her supervisors about the situation, they did nothing to protect her. Her physical, emotional and mental health were affected to the point that she took a stress leave. She also contacted the RCMP who began an investigation of her allegations. When she agreed to a peace bond between her and her stalker, it provided her no protection at work because her employers would not honour it. During a second sick leave, the complainant was terminated from her job. In settlement, the complainant received \$4,000 in compensation and \$4,200 as severance pay. The company agreed to ensure that group benefits be made available to the complainant for seven months, to remove the letter of discipline from her file, and to seal the file. It also agreed to acknowledge to the Workers' Compensation Board in writing that the complainant was dealing with sexual harassment prior to her leave of absence.

***Racism creates negative workplace environment***

A woman employed as a server in a hotel coffee shop alleged she was forced to quit her job because of discrimination based on her Aboriginal ancestry. The coffee shop served many Aboriginal people and the complainant dealt with a supervisor who called the Aboriginal customers disparaging names, though well aware of the complainant's ancestry. When a non-Aboriginal customer harassed the complainant in a sexual way, the supervisor laughed and did nothing. In addition, the complainant believed she was being verbally abused by the cooks because of her heritage and set up to fail by a schedule which required her to work alone during busy periods. The company agreed to pay the complainant \$3,000 for injury to feelings.

***Shoplifting allegation racially motivated***

An Aboriginal woman was accused of shoplifting in a supermarket. A security guard claimed she had placed a product up her sleeve but it was not found when she was searched. The complainant was held for close to three hours before the police were called and for almost another two hours before they arrived. She was taken to the police station but no charges were laid. The respondent agreed to pay the complainant \$3,000 for humiliation and loss of self-respect.

***Municipality accommodates visually impaired voters***

A man with a visual impairment was unable to vote without assistance during a civic election. He complained that he was denied the right to freely exercise his franchise and discriminated against in the provision of a public service because of his disability. The complaint was resolved when the municipality agreed to adopt a range of options for sight-impaired voters that respected their right to vote independently and by secret ballot.



To all those who speak against the erosion of human rights, we say: "human rights" are not just words. They are the foundation of a just society.

The vision of *The Saskatchewan Human Rights Code* is an inclusive, harmonious society based on respect for the "inherent dignity and the equal inalienable rights of all members of the human family." Activities that increase human rights awareness can reduce discrimination, with its serious social and economic costs. For this reason, the *Code* makes preventing discrimination through public education a central part of the Commission's mandate.

Human rights education is a service the Saskatchewan public wants to receive. Many different audiences, with varying needs and perspectives, are keenly interested in acquiring accurate, up-to-date information on human rights and responsibilities. Each year, the Commission receives more requests than it can accommodate from employers, trade unions, educational institutions, health care providers, community organizations and others. The Commission attempts to maximize the impact of limited resources through partnerships and strategic planning. Public presentations dropped to 61 from 74 the previous year. Nevertheless, the Commission developed some important projects.

**In 2003-2004, the Commission provided 61 seminars and presentations, participated in 27 community outreach or partnership events, filled numerous requests for information, and responded to 46 media inquiries.**

One of the Commission's largest educational initiatives this year was a response to the recent review of equity programs. During community consultations, many employers and educators expressed a need for practical resources to help them develop equitable organizations and avoid discrimination complaints. In October 2003, the Commission launched an on-line equity sub-site as one strategy for meeting this need. The site is designed to be useful to anyone interested in developing a representative workforce, welcoming workplace or inclusive learning environment. It includes sections on best practices, policies, recruitment, training materials, and frequently asked questions.

The Commission launched a new anti-discrimination poster on April 17, the anniversary of the date section 15, the equality rights section of the Canadian Charter of Rights and Freedoms, came into force in 1985. The message of the poster is that all persons are free and equal in dignity and rights. At the launch, Justice Minister Eric Cline called for a renewed commitment to the principle of equality, reminding the audience of "the part we all play in protecting the dignity of our neighbours, our co-workers and our fellow citizens." The poster was distributed to schools and government departments throughout the province, and is available free of charge from Commission offices.

The Commission reaches the public through its Web site, presentations, publications, media relations, and responses to information requests and resources.

The Commission gave presentations to audiences ranging from 20 to over 200, at the request of groups as diverse as Mitchell's Gourmet Foods, Paul Dojack Youth Centre, the Canadian Pension & Benefits Institute, and Immigrant Women of Saskatchewan. Presentations conducted in 2003-2004 are listed on the next page. Publications continue to be one of the most reliable means of disseminating information, and are available in print format or can be downloaded from the Commission's Web site.

Media coverage enables the Commission to provide human rights information to a much broader audience than it could otherwise reach. In 2003-2004, the Commission handled 46 media inquiries and the Chief Commissioner provided Saskatchewan's daily newspapers with guest articles on December 10, International Human Rights Day, and March 21, the International Day for the Elimination of Racism.

Community outreach, liaison, partnerships and consultation services represent another important aspect of the Commission's work. In 2003-2004, the Commission participated in 27 events of this nature. Commission staff helped to organize and present special events on March 21 and on June 21, National Aboriginal Day. The Commission also continued to work with the Aboriginal Friendship Centres of Saskatchewan on a joint project that will deliver advocacy and awareness training to 18 friendship centres throughout the province.

The Commission expanded its seminar program, adding sessions on harassment prevention to its popular workshops on human rights law and the duty of reasonable accommodation. Seven half-day seminars were presented to the public in Regina, Saskatoon and Prince Albert. Most seminars had waiting lists, and the series led to requests from trade unions and private business for similar workshops tailored to their specific needs.

- Continue to provide public education in a strategic manner.
- Redesign the Commission's Web site.
- Expand and redesign the Commission's fact sheet series.
- Develop and expand the public seminar series.

#### ***Educational institutions & organizations***

First Nations University of Canada, Regina & Saskatoon (2)  
Qu'Appelle Valley School Division, Balgonie  
Scott Collegiate, Regina  
Universal Career College, Saskatoon  
University of Regina: Faculty of Administration,  
Faculty of Social Work, School of Human  
Justice, and Saskatchewan Police College (7)  
University of Saskatchewan: College of Law

#### ***Professional, business & labour organizations***

Aboriginal Government Employees' Network, Regina  
Canadian Bar Association, Elder Law Section, Saskatoon  
Canadian Pension & Benefits Institute, Regina  
Saskatchewan Construction Safety Association, Saskatoon (3)  
Workers' Compensation Board Institute, 2003 and 2004, Regina (2)

#### ***Employers & government***

City of Saskatoon  
Days Inn, Swift Current  
Hotel Saskatchewan, Regina  
Leah Knibbs Consulting, Weyburn  
Meadow Lake Tribal Council  
Mitchell's Gourmet Foods, Saskatoon  
Saskatoon Community Clinic  
Saskatoon Fire Department  
Saskatoon Police Service  
Saskatoon Tribal Council  
Wascana Centre Authority (2)

#### ***Community-based organizations***

Beth Jacob Synagogue, Regina  
Immigrant Women of Saskatchewan, Saskatoon  
Interprovincial Association on Native Employment, Saskatoon  
Paul Dojack Youth Centre, Regina (2)  
Prince Albert Friendship Centre  
Saskatchewan Intercultural Association, Saskatoon  
Saskatoon Friendship Centre (2)  
South Saskatchewan Independent Living Centre, Regina

#### ***Conferences, public consultations & events***

Canadian Association of Statutory Human Rights Agencies  
(CASHRA), Winnipeg  
Commission on First Nations and Métis Peoples and Justice  
Reform, Saskatoon  
Equality Day Poster Launch  
Equity in Education Forum, Regina  
International Day for the Elimination of Racism, Regina &  
Saskatoon (2)  
Justice, Culture and Terror: Reaffirming or Reforming Canadian  
Values After September 11, 2001, Saskatoon  
National Aboriginal Day, Regina & Saskatoon (2)  
Public Legal Education Association of Saskatchewan, Saskatoon  
United Nations Special Rapporteur on Contemporary Racism,  
Racial Discrimination, Xenophobia and Related Intolerance,  
Regina

Staff presented seven half-day seminars on An Introduction to  
the Saskatchewan Human Rights Code, The Duty of Reasonable  
Accommodation, and Harassment: Prevention and Policy in  
Prince Albert, Regina and Saskatoon.

\* Numbers in brackets indicate how many seminars/presentations were provided to an organization.



**In 2003-2004, over 100,000 Saskatchewan students benefited from equity plans.**

As Saskatchewan approaches its 100th anniversary, it faces demographic changes and future labour shortages. Our province will need the cooperative efforts of all residents to achieve prosperity and social harmony in the years ahead. But this goal will remain elusive if some groups continue to encounter systemic barriers like word-of-mouth hiring or unwelcoming school environments. Such obstacles can inadvertently exclude members of certain groups and limit their ability to make a positive contribution to the community. Under section 47 of the *Code*, the Commission approves equity programs designed to reduce the disadvantages experienced because of discrimination. These voluntary, proactive programs are helping to create a provincial culture of equality and inclusion.

This year, the Commission transformed equity programs to meet contemporary needs and produce better, faster results. As described on page 6 of this report, a broad range of initiatives can now receive Commission approval through a simple, straightforward process. Approvals enable participating organizations (equity sponsors) to use special measures, like outreach recruitment, that might otherwise be violations of the *Code*. Sponsors may obtain Commission approval within several weeks, and the emphasis of annual monitoring will be on information sharing, support services and resource development. Because the Commission is changing its procedures, it did not approve any new equity programs in 2003-2004. However, five employers and three school divisions are preparing to enter equity partnerships.

To date, the Commission has identified four groups as appropriate subjects of proactive programs: Aboriginal people, people with disabilities, visible minorities, and women in management and non-traditional occupations. These groups, in particular, have been denied equality of opportunity. The new program will also be open to new equity groups so long as they experience disadvantage because of a prohibited ground of discrimination. Sponsors may choose to focus on one or more equity group.





Voluntary equity programs have grown to encompass 37 employers and over 42,000 employees. The combined workforces of equity sponsors represent approximately 10% of all Saskatchewan workers. Employers with equity programs attempt to increase the workforce representation of equity groups, bringing it closer to their representation in the working age population as a whole. At the same time, equity sponsors engage in many positive practices to develop inclusive, respectful work environments.

Progress towards a representative workforce has been significant for some groups. The proportion of Aboriginal employees in the sponsor workforce has grown from 2.9% to 7.9% over the past ten years and is currently 10.2% in the Government of Saskatchewan. Nevertheless, more concerted efforts are needed. Aboriginal people account for 13.5% of Saskatchewan's population, and this proportion is increasing yearly.

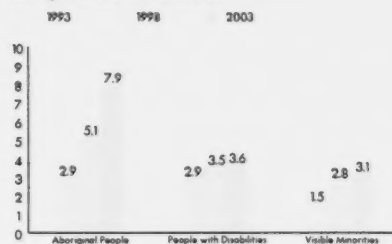
Visible minorities represent 3.1% of the sponsor workforce, up from 1.5% in 1993. This figure approximates the 3.0% representation of visible minorities in the working age population of the province as a whole, but falls short of their 5.5% and 5.8% representation in Regina and Saskatoon where the majority of equity employers are headquartered. Moreover, visible minorities – like all other equity groups – are underrepresented in management.

Women represent 46.5% of the labour force. They are underrepresented in non-traditional areas such as inspections, science, trades, technology, policing, firefighting and the professions, and significantly over-represented among clerical workers. General statistics for women in non-traditional occupations are unavailable because each sponsor establishes its own occupational classifications. Women represent 33.2% of management employees in the sponsor workforce. This figure has increased from 27.6% in 1993 but, disturbingly, has dropped from 35.1% in 1998.

People with disabilities have benefited the least from employment equity. Over 10 years their proportion of the sponsor workforce has increased to only 3.6% from 2.9%, though they represent 11.1% of Saskatchewan's working age population.

Statistics, by themselves, are only one indicator of success. Equally important are the qualitative measures sponsors develop to promote success and improve the workplace environment. These initiatives include anti-harassment policies, training programs, education leave, career pathing advice, and strategic planning to achieve diversity objectives.

**Representation of Equity Groups in Sponsor Workforce**



The Commission launched its education equity program in response to research showing that up to 90% of Aboriginal students left school before completing Grade 12. In 1985, the Commission invited kindergarten to Grade 12 (K to 12) school divisions to adopt equity programs that would ensure equality of educational benefit for all students. These programs focus on curriculum, school policies and practices, cross-cultural training, parental involvement, anti-discrimination measures, and efforts to increase the representation of Aboriginal teaching and non-teaching staff.

Currently, 17 school divisions with close to 80,000 students have education equity programs in place. Regina Public School Division, with more than 21,500 students, has an approved employment equity program enabling it to undertake outreach recruitment of Aboriginal staff. This brings the total number of students benefiting from equity plans to over 100,000 – roughly 57% of the approximately 175,000 students in the provincial K to 12 system. In addition, the Commission has approved education equity plans for 10 post-secondary institutions. Education equity promotes mutual understanding and respect, protects students from discrimination, and encourages the accommodation of needs. It makes a positive difference to both Aboriginal and non-Aboriginal students.

In 1994, Saskatchewan Learning formed a committee that evolved into the Equity in Education Forum, with representatives from all the major players in the provincial K to 12 system. The Forum is a network and an advocate for equity in Saskatchewan schools. Its 1997 policy framework, *Our Children, Our Communities and Our Future*, expands the scope of education equity to include Aboriginal students, students with exceptional needs, rural and northern students, students at risk of school failure because of social or emotional problems, and gender equity. As a Forum member, the Commission encourages school divisions to expand the scope of their activities in this way. While agreeing with the principle of expansion, most equity sponsors continue to make the progress of Aboriginal students their immediate priority.

This year's sponsor reports indicated that 20.9% of students were of Aboriginal ancestry, but that Aboriginal people accounted for only 7.7% of teachers and 12.0% of non-teaching staff. Clearly, there is a need for more Aboriginal employees within the provincial system. The gap between the proportion of Aboriginal students and teachers is likely to widen because of Saskatchewan's young and growing Aboriginal population. However, there are indications that Aboriginal students have made some gains over the past 20 years, particularly in school divisions where equity programs are in place. In its 2002 *Saskatchewan Education Indicators Report*, Saskatchewan Learning noted that of self-declared Aboriginal students, who entered Grade 10 between 1992 and 1998, about 47% completed Grade 12.

In 2003-2004, the Human Rights Commission asked education equity sponsors to provide statistics on Aboriginal and non-Aboriginal students entering and completing Grade 12. Because the information had not been requested previously, only a few school divisions were able to provide it in this monitoring cycle. The small group that did respond, however, indicated that 57.6% of Aboriginal students completed Grade 12, compared with an overall graduation rate of 82.4%.

Sponsors also reported on many creative initiatives to improve student success rates. For example, Aboriginal parents served as supervisors, resource people, volunteers and board members. School divisions provided in-service training, student workshops, environmental camps linked to Aboriginal ecological knowledge, and a wide variety of curriculum materials and learning activities supporting equity and diversity. Some divisions offered breakfast and lunch programs, infant daycare for the children of students, and Grades 10 to 12 classes for adults returning to school. Student leadership programs took an active role eliminating racism from their schools and communities.

As part of its review of equity programs, the Commission hosted a meeting of Aboriginal teachers, educators and teacher trainers working within the K to 12 and post-secondary fields. The focus group produced a rich array of comments on a broad range of topics. Repeated references to the power of stories, the celebration of success, and a forum for Aboriginal voices were signposts for how we should go about our future work. The Commission has summarized the observations and recommendations of the focus group in the *Aboriginal Educators Consultation report*, which may be obtained from the Commission's offices or its Web site.

Over time, the K to 12 education equity landscape has changed. First Nations schools have increased in number, though many First Nations students continue to attend provincial schools. The School<sup>PLUS</sup> and community schools initiatives of Saskatchewan Learning are having a significant, positive impact on how educational services are delivered. The Office of the Treaty Commissioner is working with many school divisions to dispel negative myths and provide students with accurate information on treaties. And, the Equity in Education Forum continues to act as a support and catalyst for equity initiatives throughout the K to 12 system. There is an expanding network of agencies and initiatives dedicated to ensuring equality of educational benefit for all students.

The Commission has the authority to grant exemptions from the Code to promote principles of fairness and equality, to complement an existing equity program, or in situations where an exemption is considered "necessary and advisable." In 2003-2004, there were 183 active exemptions. The following are examples of the 14 new exemptions granted this year.

The **Regina Public Library** was granted an exemption to advertise for and hire two storytellers in residence, one of Aboriginal ancestry and one of other ancestry, for its Centennial HUMM Project (Honing Urban Myth and Memory). **Infinity House**, a Métis owned and operated supportive housing facility for single Aboriginal mothers, was granted an exemption to hire Aboriginal women only. The **South Saskatchewan Independent Living Centre** was granted an exemption allowing it to give preference to persons on the basis of disability, receipt of public assistance, and marital and family status in the delivery of housing services.

The Commission considered the relationship of exemptions and programs in its *Policy on Equity Programs*. The Commission's view is that large, ongoing initiatives affecting many people should be classified as programs – partly in the interests of public accountability, and partly because such initiatives tend to become multi-faceted over time. Wherever feasible, therefore, the Commission will grant approval for such initiatives under section 47 of the Code.

- Implement changes to equity programs.
- Expand the resources and support services offered to employers, educational institutions and community partners in equity and diversity initiatives.

# EQUITY REPORT

City of Prince Albert	302	Battlefords
City of Regina	2,293	Biggar
City of Saskatoon	2,399	Broadview
Community (Saskatoon) Health Services Association	132	Cupar
Crown Investments Corporation	81	Indian Head
Government of Saskatchewan	10,477*	LandsWest
John Howard Society	25	North West Catholic
Law Society of Saskatchewan	23	Northern Lakes
Northlands College	172	Northern Lights
Parkland Regional College	77	Prince Albert Catholic
Prince Albert Co-operative Health Centre	138	Regina Catholic
Regina Police Service	484	Saskatchewan Rivers
Regina School Division	2,087	Saskatoon Catholic
Regina Women's Community Centre	6	Saskatoon Public
Saskatchewan Communications Network	26	Scenic Valley
Saskatchewan Crop Insurance Corporation	479	Turtleford
Saskatchewan Gaming Corporation	752	Wadena
Saskatchewan Government Insurance	1,613	
Saskatchewan Human Rights Commission	34	
Saskatchewan Institute of Applied Science & Technology	1,813	College of Arts and Science, University of Saskatchewan
Saskatchewan Legal Aid Commission	143	College of Dentistry, University of Saskatchewan
Saskatchewan Liquor and Gaming Authority	1,010	College of Medicine, University of Saskatchewan
Saskatchewan Opportunities Corporation	74	College of Nursing, University of Saskatchewan
Saskatchewan Property Management Corporation	1,024	College of Pharmacy and Nutrition, University of Saskatchewan
Saskatchewan Research Council	205	Gabriel Dumont Institute (GDI) and Saskatchewan Urban Native
Saskatchewan Teachers' Federation	95	Teacher Education Program (SUNTEP)
Saskatchewan Transportation Company	233	Northern Teacher Education Program (NORTEP) and Northern
Saskatchewan Water Corporation	75	Professional Access Program (NORPAC)
Saskatchewan Watershed Authority	179	Saskatchewan Institute of Applied Science and Technology (SIAST)
Saskatoon Police Service	386	School of Physical Therapy, University of Saskatchewan
SaskEnergy	993	Western College of Veterinary Medicine
SaskPower	2,736	
SaskTel	4,315	
The Co-operators	563	
University of Regina	1,187	
University of Saskatchewan	3,862	
Weyerhaeuser Saskatchewan	1,658	

\*The Government of Saskatchewan changed its reporting practice in 2003 from reporting on the total number of employees (including part-time) to counting full-time equivalents only. As a result, it reported approximately 3,000 fewer employees in 2003 than in 2002.



## COMMISSION STAFF

The Commission's professional human rights staff and administrators carry out its daily work. In 2003-2004, the Commission had the equivalent of 17.8 full-time employees, including individuals who worked on a full-time, part-time, casual or temporary basis.

Laurie Adrian Rude, Investigator  
Jan Cadman, Secretary  
Linda Charlton, Investigator/Facilitator, Education & Equity Advisor  
Pat Cook, Intake Consultant\*  
Faye Davis, Human Resources Coordinator  
Dianne Derkson, Secretary  
Lois Henderson, Budget Coordinator  
Tim Korol, Investigator/Facilitator  
Genevieve Leslie, Supervisor of Public & Special Programs  
Bev MacSorley, Secretary  
Kaye Munro, Secretary  
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Bill Rafoss, Supervisor of Mediations & Investigations  
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Fran Passmore, Investigator/Facilitator  
Julie Powell, Investigator/Facilitator  
Mirjana Topalovic, Secretary  
Pearl Ulmer, Secretary

\*Currently on leave

## COMMISSIONERS

Human Rights Commissioners set policy, review complaints, and review equity plans. They are appointed by the Lieutenant Governor in Council for five-year terms and represent different sectors of the community. In 2003-2004, the Commissioners met 10 times and participated in many community and educational activities.



*Clockwise from left: Donna Scott, John Hill, Viviane Janvier, Mike Bacon*

### **Donna Scott, Q.C., Chief Commissioner**

Donna Scott began her second five-year term as Chief Commissioner in July 2002. First appointed in October 1996, she was re-appointed in November 1997. Ms. Scott received her Bachelor of Arts and law degrees at the University of Saskatchewan. Admitted to the Saskatchewan Bar in 1982, she engaged in private practice until becoming a Crown Solicitor with Saskatchewan Justice in 1986. Ms. Scott has served on the Board of Directors of the Elizabeth Fry Society, is past-president of the Public Legal Education Association of Saskatchewan and is current president of the Canadian Association of Statutory Human Rights Agencies (CASHRA). She has presented at seminars and university classes as well as at provincial, national and international events on family law, children's rights, human rights and equity issues. Ms. Scott was recently honoured with a Queen's Counsel appointment in recognition of her contribution to the practice of law.

**John Hill, Deputy Chief Commissioner**

John Hill was born and raised in southwestern Ontario and is a member of the Oneida Nation of the Thames, one of the six Nations of the Iroquois Confederacy. He studied political science and economics at the University of Western Ontario and received his law degree from the University of Saskatchewan in 1994. From 1994-1996, he worked as senior policy consultant for the Saskatchewan Indian and Métis Affairs Secretariat. Mr. Hill is a partner with the Hunter Miller law firm in Regina, where his practice includes civil litigation with a particular focus on Aboriginal law. He is also an active member of the Indigenous Bar Association. Appointed to the Commission in July 2002, Mr. Hill was made Deputy Chief Commissioner in October 2003.

**Christine Lwanga**

A social activist, Christine Lwanga is involved in the development of an inclusive, critical approach to anti-racism. Ms. Lwanga serves on the South Saskatchewan Committee on Immigration and is an educator on human rights. She has Master's degrees in Business Administration and Social Work. Ms. Lwanga's term as Commissioner expired in December 2003.

**Viviane Janvier**

Viviane Janvier, born and raised in La Loche, is of Métis/Dene heritage and fluent in the Chipewyan language. Ms. Janvier studied journalism and social work at the University of Regina and the First Nations University of Canada. She brings her in-depth understanding of the social issues and history of Aboriginal peoples to her work in community development and community justice initiatives. She is a certified mediator and facilitator. In 2002, Ms. Janvier was promoted to a management position with the La Loche Community Development Corporation. In October 2003, she was elected an alderperson for the Northern Village of La Loche. She also serves on numerous boards and committees. Ms. Janvier was appointed to the Commission in October 2003.

**Mike Bacon**

Mike Bacon is a partner in AccessExperts Consultants, a business concentrating on services for persons with disabilities. Born and raised in Saskatoon, Mr. Bacon graduated from the University of Saskatchewan in 1991 with a Bachelor of Arts Honours degree in psychology. He is President of the Saskatoon Special Interest Cooperative and Director of the Canadian Wheelchair Sports Association. Mr. Bacon is a member of the Canadian Wheelchair Rugby Team, world champions since 1990, and will participate in the Paralympics in Athens in September 2004. One of his favourite activities is speaking to Grade 6-12 students about brain and spinal cord injury prevention for Think First Saskatchewan. He was appointed to the Commission in October 2003.

## 1. NEW COMPLAINTS FILED BY SOCIAL AREA AND GROUNDS CITED (2003-2004)

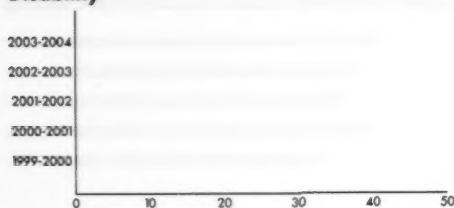
Total number of grounds cited: 287 Total number of complaint files: 242\*

Category	Age	Aborig. Ancestry	Other Ancest.	Marital Status	Mental Disab.	Phys. Disab.	Religion	Sexual Harass.	Sex/ Other	Sex/ Preg.	Family Status	Sexual Orient.	Public Assist.	Other	Total	Grounds Cited	Total Complaints
Application forms	0	0	0	1	0	0	0	0	0	0	0	0	0	1	2	0.7%	0.8%
Contracts	1	0	0	0	1	0	1	0	0	1	0	0	0	0	4	1.4%	1.7%
Education	0	0	0	0	1	4	0	0	1	1	1	0	0	0	8	2.8%	3.3%
Employment	12	5	25	4	7	81	1	30	8	25	8	4	0	3	213	74.2%	88.0%
Housing	0	1	0	0	0	2	0	0	0	0	1	0	0	0	4	1.4%	1.7%
Occupations	0	0	1	0	0	1	0	0	0	0	0	0	0	1	3	1.0%	1.2%
Public services	2	10	9	0	0	19	1	0	0	0	1	3	0	1	36	16.0%	19.0%
Publications	0	1	0	0	0	0	0	0	0	0	0	2	0	0	3	1.0%	1.2%
Trade Unions	0	0	0	0	0	2	0	0	1	0	0	0	0	0	3	1.0%	1.2%
Other	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.3%	0.4%
<b>Total grounds</b>	<b>15</b>	<b>17</b>	<b>36</b>	<b>5</b>	<b>9</b>	<b>109</b>	<b>3</b>	<b>30</b>	<b>10</b>	<b>27</b>	<b>11</b>	<b>9</b>	<b>0</b>	<b>6</b>	<b>287</b>	<b>100%</b>	<b>*</b>
Grounds cited	5.2%	5.9%	12.5%	1.7%	3.1%	38.0%	1.0%	10.5%	3.5%	9.4%	3.8%	3.1%	0.0%	2.1%	100%		
Total complaints	6.2%	7.0%	14.9%	2.1%	3.7%	45.0%	1.2%	12.4%	4.1%	11.2%	4.5%	3.7%	0.0%	2.5%	*		

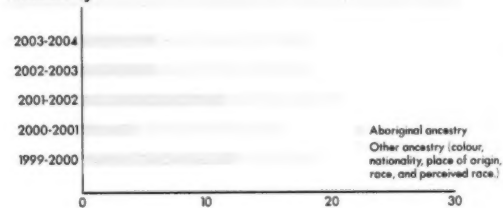
\*NOTE: The total number of grounds exceeds the total number of complaints because some complaints deal with more than one ground of discrimination.

## 2. FIVE-YEAR TRENDS: PERCENTAGE OF ALL GROUNDS OF DISCRIMINATION (1999-2004)

### Disability



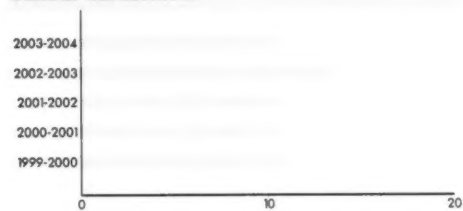
### Ancestry



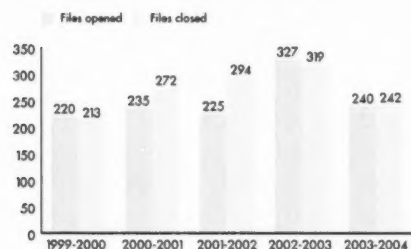
### Pregnancy



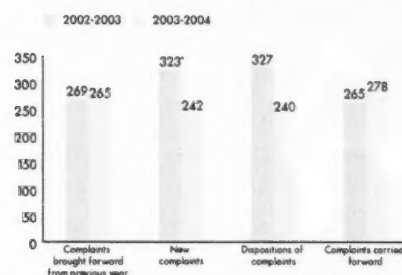
### Sexual harassment



### 3. FILES OPENED AND CLOSED

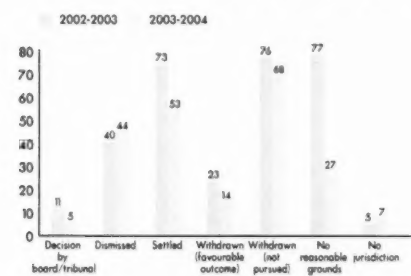


### 4. PROCESSING OF COMPLAINTS



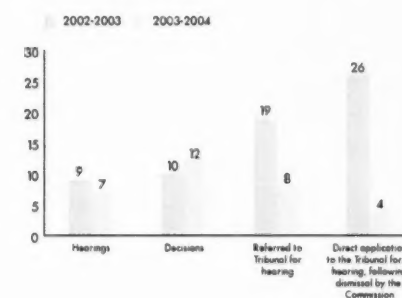
\* Eleven files were re-opened in 2003-2004 which increased the number of files carried forward to 278.

### 5. DISPOSITION OF COMPLAINT FILES



NOTE: Other files closed but not shown in this table: 22 (2002-2003) and 22 (2003-2004).

### 6. LEGAL ACTIVITIES



### 7. FINANCIAL EXPENDITURES

In 2003-2004, the Commission operated with an approved budget of \$1.25 million and a staff of 17.8 full-time equivalents (FTEs).

	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004
FTEs	20.3	20.3	20.3	17.8	17.8
Salaries, benefits and honoraria	\$925,000	\$929,000	\$1,079,000	\$1,046,000	\$1,093,000
Operating expenses	\$207,000*	\$147,000	\$147,000	\$147,000	\$157,000
<b>Total</b>	<b>\$1,132,000</b>	<b>\$1,076,000</b>	<b>\$1,226,000</b>	<b>\$1,193,000</b>	<b>\$1,250,000</b>

\* Operating expenses were increased by \$60,000 in 1999-2000 for Y2K costs.

## PHOTO CAPTIONS

- Cover Staff of the Open Door Society welcome and assist refugees and immigrants.
- Page 4 Members of the Bridge City Chorus, Saskatoon's gay and lesbian choir, sing out.
- Page 11 Seniors enjoy visiting at their morning coffee klatch.
- Page 18 Heather Kuttai, a Paralympic silver and bronze medal target shooter, with junior target shooting athletes from Saskatchewan.
- Page 25 The Pleasant Hill Awasis Orff Ensemble perform "Miskasowin" at the Saskatoon Native Theatre Centre.

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